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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hesson, et al.  
Serial No.: 10/090,441 Art Unit: 1614  
Filing Date: March 4, 2002 Examiner: Steven Post  
For: Neuroprotectants Formulations and Methods.  
Docket No. 358381-104A

Commissioner for Patents  
Washington, DC 20231

I hereby certify that this correspondence is being deposited with sufficient postage with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on November 7, 2002.

By: Jennifer Cliver  
Jennifer Cliver

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.56

Applicants herein make available to the Patent and Trademark Office copies of the documents:

- ☒ listed on enclosed Form PTO/SB/08A/B (Formerly PTO-1449), in accordance with 37 CFR 1.98(a)(2); and
- ☐ listed on enclosed copies of Forms PTO-1449, PTO-892 or PTO/SB/08A/B, which forms recited the application information for applications to which this application claims priority under 35 U.S.C. §120, but have been edited to indicate the current application data. Pursuant to 37 CFR 1.98(d), NO COPIES OF THESE DOCUMENTS ARE ENCLOSED. The prior applications that provide the source of these documents are:

Serial No. \_\_\_\_\_, filed \_\_\_\_\_;

Serial No. \_\_\_\_\_, filed \_\_\_\_\_;

The Examiner is requested to consider carefully the complete text of these references in connection with the examination of this application. It is believed that the Examiner will concur with Applicant's belief that the foregoing references do not adversely affect the patentability of the subject matter presently claimed, taken alone or in combination.

It is requested that the listed references be included in the "References Cited" portion of any patent issuing from this application.

Under 37 CFR 1.97(i), Applicants understand that non-complying Information Disclosure Statements will be placed in the file but not considered by the Office, however, under Reply to Comment 8 of the Federal Register, page 2024, Applicants will be informed when information is not considered.

(1) **This Information Disclosure Statement is being filed:**

- ☐ within three months of the filing date of the patent application.
- ☐ within three months of the date of entry into the national stage as set forth in 37 CFR 1.491 of the international application.
- ☒ **before** the mailing date of a first Office Action on the merits.
- ☐ **after** the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action under 37 CFR 1.116 or a Notice of Allowance under 37 CFR 1.311, and accordingly is accompanied by:
  - ☐ the Statement under 37 CFR 1.97(e) (see "Statement" below);
  - or**
  - ☐ the Fee of \$180.00 set forth in 37 CFR 1.17(p); or
  - ☒ No fee is owed by the applicants.
- ☐ **after** the mailing date of a Final Office Action under 37 CFR 1.116 or a Notice of Allowance under 37 CFR 1.311, and accordingly is accompanied by the Statement under 37 CFR 1.97(e), a Petition requesting consideration of the Information Disclosure Statement and the Petition Fee of \$130.00 set forth in 37 CFR 1.17(i)(1) (see "Statement," "Petition," and "Fees" below).

(2) **Statement**

- ☐ The **undersigned attorney** hereby states that each item information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

*(If this box is checked, do not check any further Statement boxes.)*

**or**

- ☐ The **person signing immediately below** hereby states that no item of information contained in the Information Disclosure was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*The person making the statement is:*

- ☐ the inventor(s) who sign(s) below:

\_\_\_\_\_  
*Signature of the Inventor(s)*

\_\_\_\_\_  
*Typed or Printed Name of the Inventor(s)*

**or**

- ☐ a person who is substantively involved in the preparation or prosecution of the application, and who is associated with the inventor(s), or with the assignee, or with anyone to whom there is an obligation to assign the application (37 CFR 1.565(c)) and who signs below:

\_\_\_\_\_  
*Signature of the Person(s)*

\_\_\_\_\_  
*Typed or Printed Name of the Person*

\_\_\_\_\_  
*Address of Person Signing*

**or**

- ☐ the undersigned attorney who signs on the basis of the information:

- ☐ supplied by the inventor(s).  
☐ supplied by an individual designated in 37 CFR 1.56(c).  
☐ in the attorney's file.

\_\_\_\_\_  
*Signature of the Attorney*

(3) **Petition**

- ☐ Applicants hereby petitions the Assistant Commissioner to consider the references listed in this Information Disclosure Statement and on the enclosed Form PTO/SB/08A and 08B (Formerly PTO-1449), in the examination of the above-identified patent application. *(This box checked only if a Final Office Action has issued)*

(4) **Fees**

- ☒ **No Fee** is owed by the applicants.
- ☐ **The IDS Fee** of \$180.00 under 37 CFR 1.17(p) is enclosed herewith.
- ☐ **The Petition Fee** of \$130.00 under 37 CFR 1.17(i)(1) is enclosed herewith.

(5) **Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$180.00.
- ☐ Charge Account No. 04-0480 in the amount of \$180.00. (A duplicate of this request is attached).

(6) **Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 04-0480.

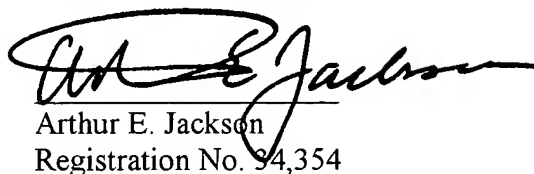
(7) **Instructions as to Overpayment**

- ☒ Please credit Account No. 04-0480 for any overpayment.
- ☐ Please refund Dechert Price & Rhoads in the amount of \$\_\_\_\_\_.

(8) The documents listed in the Form 1449 or equivalent form were cited in the attached PCT search report

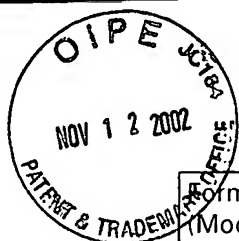
A prompt and favorable response is earnestly solicited.

Respectfully submitted,



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Form PTO - 1449 U.S. Department of Commerce  
(Modified) Patent and Trademark Office

Attorney Docket No. 358381-104A

Serial No.: 10/090,441

Applicant: Hesson, et al.

Filing Date: March 4, 2002

Group No. 1614

**Information Disclosure  
Statement by Applicant**  
(use several Sheets if necessary)**U.S. PATENT DOCUMENTS**

Exmr Initial		Patent Number	Issue Date	Patentee	Class	Sub- Class	Filing Date If Appropriate
	AA	4,686,085	08/11/87	Osterholm	422	45	
	BB	4,840,617	06/20/89	Osterholm	604	174	
	CC	5,085,630	02/04/92	Osterholm, et al.	604	28	
	DD	5,512,544	04/30/96	Wallach, et al.	514	12	
	EE	5,977,174	11/02/99	Bradley, et al.	514	549	
	FF	5,980,480	11/09/99	Rubenstein, et al.	604	9	

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

Exmr Initial		Document Number	Publn Date*	Country or Patent Office	Class	Sub- Class	Translation? Yes No
	GG	WO 00/50058	08/31/00	PCT			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Place of Publication\*\*)**

Examiner	Date Considered	

140871.1.07

**EXAMINER:** Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO - 2)

\* Use publication date indicated on the patent or published application. 37 CFR 1.98(b).

\*\* The place or publication refers to the name of the journal, magazine or other publication